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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,817	06/26/2003	Paul G. Kostenick JR.	05165.1200	2739

7590 02/16/2005

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EXAMINER

FAYYAZ, NASHMIYA SAQIB

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/603,817	KOSTENICK ET AL.	
	Examiner	Art Unit	
	Nashmiya S. Fayyaz	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/18/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-7, 10-18, 20-23, 25 and 26 rejected under 35 U.S.C. 102(b) as being anticipated by Meisser(U.S. Patent # 6,212,924). As to claim 1, Meisser discloses a process and apparatus for calibration of a force sensor of a crimping press including a calibrator 25 for tool evaluator 18/23.1 which includes actuator 18 and a first force sensor 23.1 which transmits a first signal and the calibrator including a second force sensor 38 and a controller 28 which receives the first and second signal at evaluating circuit 61 and calibrates the first sensor 23.1, see Figs. 6-9 and 12 and col.4, lines 30 et seq. As to claims 2 and 4-5, in col. 6, lines 3 et seq, the operation of controller 28 is described in combination with fig.12 as well as compilation of a "correction table" or profile (as in fig. 9a) for "100 force values", see col.5, lines 34-49. As to claim 6, note figs. 13-15 which show curves for various crimping faults and refers to comparison with limit values of zones such as described in col. 9, lines 10 et seq. As to claim 7, note calibrator 25 for tool evaluator 18/23.1 which includes actuator 18, first controller 21 and a first force sensor 23.1 which transmits a first signal and the calibrator

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including a second force sensor 38 and a second controller 28/61/54/52 which receives the first and second signal at evaluating circuit 61 and cpu 54 which calibrates the first sensor 23.1, see Figs. 6-9 and 12 and col.4, lines 30 et seq. As to claim 10, note system controller 27/28. As to claim 11, note the correction table as in Fig. 9a. As to claim 12, note RAM 57. As to claims 13 and 20, note calibrator 25 for tool evaluator 18/23.1 which includes a first force sensor 23.1 which transmits a first signal and the calibrator including means for disposing a second force sensor 38 and a means for controlling 28 which receives the first and second signal at evaluating circuit 61 with cpu 54 which calibrates the first sensor 23.1 which inherently includes determining a "calibration factor" since a "correction table" is generated, see Figs. 6-9 and 12 and col.4, lines 30 et seq. , in col. 6, lines 3 et seq, As to claims 14-15, 17 20-22 and 25, the operation of controller 28 is described in combination with fig.12 as well as compilation of a "correction table" or profile (as in fig. 9a) for "100 force values", see col.5, lines 34-49. As to claims 16 and 23, note figs. 13-15 which show curves for various crimping faults and refers to comparison with limit values of zones such as described in col. 9, lines 10 et seq. As to claims 18 and 26, since each force sensor has an associated correction table, note col. 5, lines 10-33, it is inherent that some form of sensing the identity is required in order to associate the measured tables of correction.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 19, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meisser. As to claim 8, Meisser lacks a teaching for displaying a recalibration warning. However, it is well-known that the life of a force sensor is finite and official notice is taken that setting of a recalibration limit would have been obvious to one of ordinary skill in the art at the time of the invention which coincides with the life expectancy of the sensor. As to claims 19, 24 and 27, Meisser provides a correction table graph but fails to indicate extrapolation of a performance trend. However, in the art of statistical analysis, extrapolation of a graph is old and well-known. Therefore, official notice is taken that extrapolation of the graph given by Meisser would have been obvious to one of ordinary skill in the art at the time of the invention as such an expediency is old and well-known in the art of statistical analysis.

5. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meisser in view of Pellerin et al (U.S. Patent # 4,838,085). As to claims 3 and 9, Meisser fails to disclose the ram 18 as air pressure controlled by a valve.

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In a related prior art material testing device, Pellerin et al disclose a pneumatically controlled ram 72 along with valve control, see col. 7, lines 54 -68. Substitution of the Meisser ram with a pneumatic ram would have been obvious to one of ordinary skill in the art at the time of the invention as a well-known alternative ram known in the art as evidenced by the prior art to Pellerin et al.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 18, it is unclear what the "means for sensing an identity" is referring to.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional prior art listed on PTO-892 are cited to include notably McIntyre et al who disclose transducer calibration in spindle torque units and Wolfer et al who disclose a device for measuring cutting forces with calibration and Wollermann who discloses a method of calibrating a force sensor of a crimping press.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashmiya S. Fayyaz whose telephone number is 571-272-2192. The examiner can normally be reached on Mondays and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nf
1/31/05


HEZRON WILLIAMS
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